

Date: Sat, 1 Nov 2008 21:24:06 -0700

Subject: [PigeonRing PML:1530] CROSS POST TO ALL LISTS! USDA Steamrolls Ahead with NAIS

A new memo out of USDA shows they are pushing ahead with NAIS despite the public protests and even state laws barring mandatory programs. USDA recently issued a memo to its "Veterinary Services Management Team" that requires NAIS premises registration for various disease program activities. (Veterinary Services Memorandum No. 575.19, posted on our Government Documents Page at <http://farmandranchfreedom.org/content/Government-documents>)

The memo includes activities such as vaccinations, testing, and applying official ear tags, for programs for every livestock species, ranging from brucellosis to scrapies to equine infectious anemia. The memo says that people who refuse to have their farms registered will be registered against their will. Thus, USDA has officially abandoned the supposed "voluntary" nature of NAIS. Now animal owners who take government-required steps such as testing and vaccinating their animals may find themselves enrolled in the NAIS premises registration database with or without their consent.

Take Action

The USDA's action means we have to continue and redouble our efforts to educate state and federal legislators about the problems with NAIS, so that they put a halt to the agencies' continued implementation. Take a few moments to call your Congressman today! Go to <http://farmandranchfreedom.org/content/take-action> for information on how to contact your legislators and materials to help. We post new flyers and materials specifically aimed at USDA's latest step soon.

It's also critical to get more state laws passed stopping NAIS. Stay tuned for more information on bills for the 2009 legislative session!

Four states already have laws that forbid their state agencies from mandating NAIS: Arizona, Kentucky, Missouri and Nebraska. Below is a letter from Senator Karen Johnson, who sponsored the Arizona bill, to the Arizona Department of Agriculture, in response to the USDA's memo. Ask your state legislator to take a stand like Senator Johnson!

More Information on the Memo

USDA has failed to follow any of the administrative procedures required to create enforceable regulations when it issued this new step in NAIS. So whether USDA can actually enforce it isn't clear. On the other hand, USDA has created the entire NAIS program without regard to following the rules administrative agencies must follow, so it's likely that the state agencies will automatically follow the USDA's memo. Here are some excerpts from the memo:

USDA is requiring NAIS premises registration "as the sole and standard location identifier" for activities relating to any disease regulated through the Code of Federal Regulations, for emerging or re-emerging disease, and for foreign animal diseases (page 1, Section II & III.A.1)

People who refuse to voluntarily register their properties in NAIS will be registered against their will: "If the person responsible for the premises chooses not to complete the form to register

his/her premises, either the animal health official or an accredited veterinarian will collect the defined data fields." (page 2, Section III.B.2)

The memo applies to federal animal health authorities, state animal health authorities, and private veterinarians who are accredited for federally regulated diseases (page 1, Section I) Any veterinarian who is accredited for a federally regulated disease is subject to the USDA's edict to involuntarily register his or her clients: "A PIN is required for activities performed at a premises by a State or Federal animal health authority or an accredited veterinarian for any disease that is regulated through Title 9 of the Code of Federal Regulations." (page 4)

The listed disease programs for which a PIN will be required include:

- o Tuberculosis
- o Brucellosis
- o Johne's disease
- o Pseudorabies
- o Scrapie
- o Chronic Wasting Disease
- o Low pathogenic Avian Influenza of the H5/H7 strains
- o Communicable diseases in horses, asses, ponies, mules, and zebras, which would include equine Infectious Anemia
- o Texas (splenic) fever in cattle
- o Scabies in cattle
- o Exotic Newcastle disease and chlamydiosis
- o Poultry health as addressed in the National Poultry Improvement Plan
- o Swine Health

The activities that will result in being registered in NAIS include:

- o Vaccinations
- o Diagnostic tests
- o Certifications (other than certificates of veterinary inspection)
- o Application of official eartags or backtags (page 5)

USDA states that PIN's are not required for "participation in voluntary programs," but does not explain which those would be (p.6)

The full memo is posted at

http://farmandranchfreedom.org/content/files/APHIS_PIN_Mandate_080922.pdf

Senator Johnson's Letter to the Arizona Dept. of Agriculture

October 31, 2008

Mr. Donald Butler, Director

Arizona State Dept. of Agriculture

1688 West Adams Street

Phoenix, Arizona 85007

Dear Director Butler:

During the 2007 legislative session, I sponsored a bill (SB1428) that prohibits forced participation in the National Animal ID System (NAIS) in Arizona. Governor Napolitano signed that bill and it has been the law now for more than a year. (See ARS 3-1207 and ARS 3-1214). I recently received a copy of a Memorandum (attached) issued by the U.S. Dept. of Agriculture which indicates that veterinarians who visit a property are to "collect the defined data fields" in order to assign a PIN, "as defined in the National Animal Identification System Program

Standards." This pin is to be the location identifier for all Veterinary Services disease program activities and - according to the memo - must be assigned, with or without the consent of the property owner.

I'm sending a letter to Attorney General Terry Goddard asking him to intervene with the U.S. Dept. of Agriculture in this matter. I expect the law to be enforced in the spirit intended when it was drafted.

I would like to know how you intend to deal with this, since we have a law in place that prohibits forced participation in NAIS? I should tell you that I have been contacted by various Arizona residents telling me that they are being forced into premise registration, especially the cattlemen. I am calling on you to do everything in your power to see that this law is respected and that animal owners in Arizona are not compelled to "register" their property in a government data base. Please advise me on how you plan to handle this.

I look forward to hearing from you in a timely manner.

Best regards,

Senator Karen S. Johnson

cc: Attorney General Terry Goddard

Conclusion

We need everyone to speak out against the USDA's continued forcible implementation of NAIS! Put flyers out at your local sales barn and feed store, write letters to the editor of your newspaper, or host a public meeting in your area about NAIS! The USDA is relying on secrecy and apathy to push NAIS through, so it is up to all of us to work together to bring it out into the open and fight it.

Go to www.farmandranchfreedom.org for more information and tools to help in this fight.